

Notice of Allowability	Application No.	Applicant(s)	
	09/975,179	YARKOSKY, MARK	
	Examiner	Art Unit	
	Raymond B. Persino	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed 12/17/2004.
2. ☒ The allowed claim(s) is/are 1-6,9-11,13-20 and 31-35.
3. ☒ The drawings filed on 23 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Allowable Subject Matter

1. Claims 1-6, 9-11, 13-20 and 31-35 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The applicant's invention is geared toward a multi-leg repeater system to provide RF coverage within an enclosure. The wireless connection between a base station and first repeater is at a first frequency and the wireless connection from the first repeater to a second repeater, located within an enclosure, is at a second frequency. Finally, the wireless RF coverage within the enclosure, provided by the second repeater, is at the first frequency. As such, both the first and second repeater comprise reception, frequency conversion and transmission means. The closest prior art, JUDD (WO 01/52447 A2) discloses the above subject matter. The embodiment of JUDD that reads on the above subject matter contemplates multiple communication systems, operating at different frequencies, using the repeater system with only a single frequency being used within the repeater system. Since JUDD's repeater system operates at a single frequency within the system, the first and last repeaters include frequency conversion means. The applicant's amended claims 1 and 11 now include the subject matter that for the first repeater (integrated propagation relay), "the at least one antenna and the frequency converter are located with a single housing." It is noted that in the claim the at least one antenna does both communicating with the base station and communicating with the inside of the enclosure. In JUDD's teaching these functions are

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separated and are connected via an "Ethernet connection". Upon inspection of figure 23a it appears that the devices made up of 110x and 113 are not within a single housing. Despite this, the examiner asserts that enclosing the elements claimed by applicant, within a single housing, would be within the skill of one of ordinary skill in the art at the time of the invention. For example, see device 119 of figure 23b as it has all of the claimed elements in a single housing. Thus, it is technically possible to have this structure for the claimed elements, however, the question is, would it be obvious given JUDD's teaching. To be obvious, sufficient motivation must be present. In this case, the entire reason for having the frequency conversion in JUDD is so that the repeater system can be used with multiple communication systems, operating at different frequencies, with only a single frequency being used within the repeater system. To reduce the components of 110x-113 such that it operates only with one type of communication system would vitiate JUDD's reason for having frequency conversion in the first place. Moreover, JUDD's device 119 only contains conversion means for one type of communication system and does not suggest including the components for a plurality of communication systems into a single housing, as would be required for elements 110x-113. Lastly, JUDD's teaching suggests that elements 110x-113 are not all within a single housing. Hence, the examiner does not find sufficient motivation within JUDD to alter JUDD to have elements 110x-113 within a single housing. Moreover, no other prior art reference has been discovered that would suggest such a modification in the context of JUDD's teaching. Therefore, the applicant's inventions of

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claims 1 and 11, comprise a unique combination of subject matter that is neither taught nor suggested by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The related art made of record and not relied upon is considered pertinent to applicant's disclosure. SON (US 2003/0104781 A1)

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (703) 308-7528. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Raymond B. Persino
Examiner
Art Unit 2682

RP

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VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

11/10/05